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*Ans*

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 08/990,973      | 12/15/1997  | ELIZABETH A. SMITH   | 01263.59651         | 1916             |

5642 7590 11/20/2003

SCIENTIFIC-ATLANTA, INC.  
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EXAMINER

SALCE, JASON P

ART UNIT PAPER NUMBER

2611

DATE MAILED: 11/20/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

08/990,973

Applicant(s)

SMITH ET AL.

Examiner

Jason P Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 27-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/26/03 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 27-32 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Welsh (U.S. Patent No. 4,829,558).

The examiner notes that priority is claimed back to patent number 4,987,486 (Johnson et al.). The examiner has reviewed the patent, and has concluded that the instant application is not supported by the disclosure of the '486 patent. Johnson discloses a screen alignment program and not a system for transmitting screen data from a system manager. In fact, Johnson teaches away from receiving screen data from a system manager (see Column 5, Lines 11-15 for "complete screens of characters for transmission to a terminal according to the present invention for display is

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not required because the terminal comprises it's own character generator 204". At best, Johnson discloses that the system manager generates commands to generate screens. The examiner has determined that priority does in fact reach back to patent 5,355,480, which consists of a filing date of 10/13/1992, therefore the Welsh reference shall be applied as a 102(b) reference.

Referring to claim 27, Welsh discloses receiving a first user input at a subscriber terminal indicating a choice for first operation data, wherein the first operation data includes a plurality of screens (see Column 10, Lines 3-9 for selecting a screen (first operation data) for display).

Welsh also discloses displaying the first operation data according to the user input (see Column 10, Lines 9-13 for writing the selected screen to the display), wherein the first operation data is stored at the subscriber terminal (see Column 10, Line 11 for the screen data being written to RAM 51).

Referring to claim 28, Welsh discloses storing all screens in RAM 51 and that responding to each screen causes the microprocessor 43 to search for the next screen (see Column 10, Lines 65-67 and Column 11, Lines 1-2 and also note that the first screen in the series of screens is inherently the "feature start screen" and all screens after that are the "associated screens"). Welsh also teaches that the user selects the screen or screens to be displayed (see Column 10, Lines 3-5) and that the screens are sent from the system manager (central computer 25) and stored prior to their actual use (see Column 9, Lines 58-61 for the RAM 51 being capable of holding up to 600 screens and Column 9, Lines 43-45 for sending the screen data all at once).

Referring to claim 29, Welsh discloses receiving a second user input for one of the associated screen according to a channel map (RAM 51, which discloses the locations of all the screens) associated with the first operation data (see again Column 10, Lines 66-67 and Column 11, Lines 1-2 for receiving multiple inputs, where each input is requesting the next screen).

Welsh also discloses transmitting the second user input to the system manager (see Column 9, Lines 34-37 for transmitting further screen data depending upon the requirements of the questionnaire being completed).

Welsh also discloses receiving information from the system manager for updating the associated screen (see Column 9, Lines 42-45 for sending the data to the terminal and Column 9, Lines 43-52 for storing the screens in RAM).

Welsh also discloses displaying the associated screen including the updated information in accordance with the second user input (see Column 10, Lines 3-5 for displaying a stored screen and Column 10, Lines 66-67 and Column 11, Lines 1-2 for displaying a next screen according to the next user input).

Referring to claim 30, Welsh see rejection of claim 29.

Referring to claim 31, see rejection of claims 27-28 and note that data can also be stored at the system manager (central computer 25) (see Column 12, Lines 65-66).

Referring to claim 32, see rejection of claim 29.

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-


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1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

November 5, 2003



**VIVEK SRIVASTAVA**  
**PRIMARY EXAMINER**